

Please type a plus sign (+) inside this box → ☒

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 0960-020

First Inventor Terry et al.

Title Capacity Scaling and Functional Element...

Express Mail Label No. EL801240865US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 20]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Pages]
- a. ☒ Newly executed (original or copy)
Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- b. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Check for \$355.00

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

SEE APPLICATION DATA SHEET ATTACHED
of prior application No.:

Prior application information:

Examiner

Group Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

26108
(Insert Customer No. or Attach bar code label here)

or ☒

Correspondence address below

26108

PATENT TRADEMARK OFFICE

Name Daniels & Daniels, P.A.

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Fax

9195445920

Name (Print/Type) Kevin E. Flynn

Registration No. (Attorney/Agent) 37,325

Signature

Date 08/20/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL
for FY 2001

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|--------------|
| Application Number | Not Assigned |
| Filing Date | Herewith |
| First Named Inventor | Terry et al. |
| Examiner Name | N/A |
| Group/Art Unit | N/A |
| Attorney Docket No. | 0960-020 |

TOTAL AMOUNT OF PAYMENT (\$ 355.00)

METHOD OF PAYMENT (check one)1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:Deposit Account Number Deposit Account Name ☒ Applicant Claims Small Entity Status
Charge Any Additional Fee Required ☐
Under 37 CFR 1.16 and 1.172. ☒ Payment Enclosed:☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | 355.00 |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1) (\$ 355.00)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from Below | Fee Paid |
|--------------|--------------|----------------|----------|
| 11 | -20**= 0 | 9 | = 0.00 |
| 1 | -3**= 0 | 40 | = 0.00 |

Multiple Dependent

**or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid |
| 109 | 80 | 209 | 40 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0.00)

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |

Other fee (specify) _____

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ -0-

SUBMITTED BY

Name (Print/Type) Kevin E. Flynn

Signature 

Registration No (Attorney/Agent)

37,325

Complete (if applicable)

Telephone

(919) 544 5444

Date

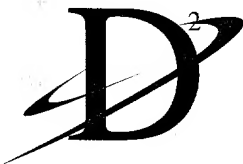
August 20, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

08/20/01

JC962 U.S. PTO



DANIELS & DANIELS, P.A.

August 20, 2001

j1017 U.S. PTO
09/933323
08/20/01

08/20/01
JC962 U.S. PTO

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

RE: U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM

Based on U.S. Provisional Application Serial No. 60/226,505 filed August 21, 2000
Docket No. 0960-020

Dear Sir:

Enclosed herewith, please find the following documents:

1. Utility Patent Application Transmittal Sheet (PTO/SB/05) (1 page);
2. Fee Transmittal Sheet (1 page) in duplicate;
3. Check in the amount of \$355.00;
4. U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM based on U.S. Provisional Application Serial No. 60/226,505 filed
August 21, 2000 (20 pages);
5. Twelve (12) sheets of drawings (Figures 1 - 12) for the above-referenced application;
6. Application Data Sheet (3 pages);
7. Facsimile copy of executed Declaration (37 CFR 1.63) for Utility or Design Application
using an Application Data Sheet (37 CFR 1.76) Form PTO/SB/01A) (1 page);
8. Petition to Accept Declaration without Signature of Deceased Inventor, (1 page);
9. Facsimile copy of one executed Power of Attorney or Authorization of Agent
(PTO/SB/81) (1 page);
10. Facsimile copy of executed Statement under 37 CFR 3.73(b), Form PTO/SB/96;

Assistant Commissioner for Patents

August 20, 2001

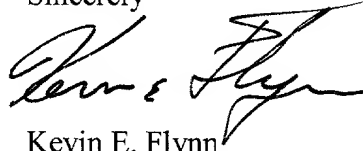
Page 2

11. Copy of recorded Assignment from parent application, U.S. Provisional Application Serial No. 60/226,505 which was recorded on March 26, 2001 at Reel 011652, Frame 0372 (6 pages);
12. Copy of recorded Assignment from parent application, U.S. Provisional Application Serial No. 60/226,505 which was recorded on March 26, 2001 at Reel 011652, Frame 0360 (10 pages); and
13. Return Receipt Postcard.

Sent by Express Mail No. EL801240865US.

Please contact the undersigned should you have any questions.

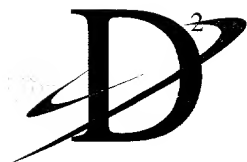
Sincerely



Kevin E. Flynn
Reg. No. 37,325

Enclosures

F:\CL\0960-020\As filed\Util App Fwd. PTO.doc



DANIELS & DANIELS, P.A.

August 20, 2001

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

RE: U.S. Application for CAPACITY SCALING AND FUNCTIONAL ELEMENT
REDISTRIBUTION WITHIN AN IN-BUILDING COAX CABLE INTERNET
ACCESS SYSTEM

Based on U.S. Provisional Application Serial No. 60/226,505 filed August 21, 2000
Docket No. 0960-020

Petition to Accept Declaration without Signature of Deceased Inventor

Dear Sir:

Please accept the attached "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" (Form PTO/SB/01A) that is unsigned by John B. Terry who died recently. It is uncertain when Mr. Terry's estate will be sent to probate court and as such, the undersigned requests acceptance of the attached Declaration.

The remaining inventor, Mr. Jeffrey A. Hales has signed the "Declaration (37 CFR 1.63) for Utility or Design Application using an Application Data Sheet (37 CFR 1.76)" and a facsimile copy is included in the filing.

Please contact the undersigned should you have any questions.

Sincerely

Kevin E. Flynn
Reg. No. 37,325

Enclosures

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